

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:20-cr-00164-APG-EJY

Plaintiff,

ORDER

v.

BENJAMIN GALECKI,

Defendant.

Defendant files three identical Motions to Seal. *See* ECF No. 666 in 2:15-cr-285; ECF No. 55 in 2:20-cr-163; ECF No. 75 in 2:20-cr-164. Defendant fails to cite the standard applicable to sealing records and offers no application of the law to facts germane to his request. Despite this failure, the Court rules on the Motions to Seal granting Defendant this one time courtesy.

The Ninth Circuit has established a strong presumption of public access to judicial records. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party seeking to file documents under seal bears the burden of overcoming that presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178). To overcome the presumption when a dispositive motion is at issue, the moving party must demonstrate a compelling reason that supports maintaining the secret nature of the documents. *Kamakana*, 447 F.3d at 1180. The compelling reasons must outweigh the public's interest in having access to the judicial records and in understanding the judicial process. *Id.* at 1178-79. Medical privacy has qualified as a "compelling reason" for sealing records. *San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, Case No. C 10-02258 SBA, 2011 WL 89931, at *n. 1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, Case No. 09-000545 SOM/BMK, 2010 WL 4715793, at *1-2 (D. HI. Nov. 15, 2010). The Court treats Defendant's Motion for Compassionate Release as a dispositive motion and finds medical privacy meets the compelling reason standard. *See, e.g., San Ramon Regional Med. Ctr., Inc.*, 2011 WL

1 89931, at *n. 1; *Abbey*, 2010 WL 4715793, at **1–2; *Lombardi v. TriWest Healthcare Alliance*
2 *Corp.*, Case No. CV-08-02381-PHX-FJM, 2009 WL 1212170, at *1 (D. Ariz. May 4, 2009).

3 Accordingly, IT IS HEREBY ORDERED that Defendant’s Motion to File Exhibits Under
4 Seal (ECF No. 75) is GRANTED.

5 Dated this 31st day of October, 2023.

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8 ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE
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